



PATENT
Attorney Docket: YALE-039/01US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John R. CARLSON *et al.*

Confirmation No.: 7963

Application No. 10/601,309

Group Art Unit: 1649

Filed: June 23, 2003

Examiner: John D. Ulm

For: NOVEL ODORANT RECEPTORS IN DROSOPHILA

Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 2231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement set forth in the Office Action dated January 5, 2006, Applicants hereby elect Group I, claims 27 to 37, and 51 to 53 drawn to an isolated nucleic acid encoding a Drosophila odorant receptor protein. Applicants also elect the species of SEQ ID No:23, with traverse.

According to MPEP 803.04, to further aid the biotechnology industry in protecting its intellectual property without creating an undue burden on the Office, the Director has decided *sua sponte* to partially waive the requirements of 37 CFR 1.141 *et seq.* and permit a reasonable number of such nucleotide sequences to be claimed in a single application. See *Examination of Patent Applications Containing Nucleotide Sequences*, 1192 O.G. 68 (November 19, 1996). It has been determined that normally ten sequences constitute a reasonable number for examination purposes. Accordingly, in most cases, up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction.

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In view of the OG Notice referenced above, Applicants respectfully request that the Examiner expand his search to at least ten of the claimed nucleic acid sequences. In any case, it is Applicant's understanding that, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Except for issue fees payable under 37 CFR §1.18, the commissioner is hereby authorized by this paper to charge any additional fees during the pendency of this application including fees due under 37 CFR §1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 CFR §1.136(a)(3).

If the Examiner has any further questions relating to this Reply or to the application in general, he is respectfully requested to contact the undersigned by telephone so that examination of the present application may be expedited.

Respectfully submitted,

COOLEY GODWARD LLP

Dated: April 5, 2006

By:



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